

INTRODUCTION TO THE FRANKLAND (HOUSTON) CONSTITUTION

Still infused with the spirit of the American Revolution and with an appetite already whetted by forays into self-government, the inhabitants of North Carolina's trans-Appalachian counties of Washington, Sullivan, and Greene jumped at the opportunity that North Carolina's cession of its western lands presented. The state of North Carolina faced financial distress and carried the burden of war debt. The challenges of governing its distant western settlements proved a strain. The legislature of North Carolina orchestrated the "Great Land Grab of 1783," allowing many of its members and major land speculators to obtain title to the best lands in the area. Thus, it seemed advantageous to cede its western lands to Congress in 1784, with the provision that the titles remain valid.

Western residents of the Holston-Watauga region met in that same year at Jonesborough and unanimously confirmed their interest in forming an independent state. When they met again in Jonesborough in December of 1784, they drafted a temporary, provisional constitution for the newly-formed State of Franklin, named in honor of Benjamin Franklin. Unbeknownst to them, a month earlier North Carolina had repealed its Cession Act.

A cruel twist of fate seemingly placed the Franklinites in a state of rebellion or insurrection, but North Carolina's provision retaining sovereignty over its western lands until Congress accepted them truly placed Franklin supporters in this position from the beginning. Upon learning of North Carolina's act, the Franklinites decided to proceed with their plan. The declaration of independence that accompanied their provisional constitution provided justifications for self-government. Feeling cut-off from a distant, uncomprehending, and unresponsive seat of government in North Carolina, they felt compelled to seize the opportunity and establish the order, justice, and security they craved and felt was their unalienable right. The declaration cited provisions in the North Carolina Constitution providing for new western states, apparent Congressional encouragement of new state formation, and the Cession Act specifically as basis for their action.

Unfortunately, in continuing down this path, the Franklinites faced ongoing discord. They did embrace able leadership as they elected John Sevier governor. Laws were enacted (though never published); courts conducted

business; elections were held; public lands were sold; a barter system was established; the government treated and even engaged in a scant bit of international diplomacy; but the Franklin movement would be disappointed when Congress denied their petition for statehood. Continued conciliatory offers by North Carolina, confusion in government operation springing from dual elections and courts as both North Carolina and Franklin claimed jurisdiction, conflicting treaties with the Cherokee, and the developing personal feud between John Sevier and former Franklin supporter John Tipton undermined support for the fledgling state.

Efforts to adopt a permanent constitution for the State of Franklin had also proven bitterly divisive. That something so basic as a form of government proved elusive to the young state did not bode well for its continued survival. With the rejection of the proposed "Houston Constitution" in Greeneville in 1785, dissension would continue to thrive, and support for the young state would continue to erode. A skirmish would take place between the Sevier and Tipton factions; minor overtures would be made to Spain with regard to annexation; those settlers south of the French Broad would try to hang on to independent statehood by organizing "Lesser Franklin"; but the State of Franklin faded away as Sevier and others accepted absolution and returned to the North Carolina fold in early 1789.

The influence of the State of Franklin would live on, however. Specifically, after years of wrangling, the acts and judgments of the State of Franklin would be deemed valid by the legislatures and courts of North Carolina and Tennessee. Many of the major figures in the Franklin movement would hold important positions in the new territorial government and contribute to its effective administration and movement toward statehood. Finally, the various attempts at statehood on the frontier helped bring forth the United States Constitution and encourage the establishment of a strong federal republic.